

I can. I will send for him and ask him what he means to do and let you know, if that will help you any."

**SAYS M'HARG HELPED HIM GET PHONE IN HOME.**

Mr. O'Malley began to explain that Mr. M'Harg had been of service to the O'Malley family by getting a telephone into their home in Hollis when a child was sick. Mr. Wallstein cut him off.

"Don't you know," asked Mr. Wallstein, "that Mr. M'Harg is what the telephone company calls a general agent—a right of way man—the man who makes contracts with the various city departments when they have to get permits or concessions?"

"I did not know that," said Mr. O'Malley. "I met Mr. M'Harg at a dinner."

Mr. O'Malley said he looked up Mr. M'Harg and found he knew him by sight and told him exactly what Mr. M'Harg had said. Mr. M'Harg said the matter was one for Mr. Hubbard alone.

Mr. Wallstein began to inquire into Mr. O'Malley's "pet" idea that residents of other States should not have market stands in New York City. Mr. O'Malley started a general discussion of the subject. Mr. Wallstein insisted on an answer.

"I won't let you pin me down like that," shouted Mr. O'Malley. "What do you think I am? Here I am waving immunity and you are not going to jam me with that damn stuff. I'll answer my own questions."

"Now, Mr. Witness," said Mr. Wallstein, extending his arm menacingly, "you remember?"

"Aw, sit down," said Mr. O'Malley, with a jarring laugh. "Don't get excited!"

Mr. Wallstein, white as a sheet, leaned over the stenographer's desk and reminded the witness he was under oath and asked him if he were going to "observe decorum."

"Not when you tell me to jump off the Woolworth Building," roared the Commissioner. "I won't do it. Aw, sit down. What do you think I am?"

"You don't want me to tell you what I think you are?" roared Mr. Wallstein. "Do you?"

Mr. O'Malley flapped his hands as one brushing away a persistent fly and laughed.

**O'MALLEY ASKS WALLSTEIN TO SIT DOWN AND BE QUIET.**

"I don't care what you say," he sneered. "I wouldn't believe what you say, anyway. Sit down. Sit down, I tell you. And keep your hands down, too."

There was instant laughter all over the room. Mr. O'Malley acknowledged it with a grin and continued to yell, "Aw, sit down and be calm!"

Mr. Wallstein started to show the Commissioner had argued that Mrs. Katenkamp and others who lived out of the city ought to give up their stands. Mr. O'Malley said he was indifferent to the questions. Mr. Wallstein asked that his answer be stricken out as unresponsive. Chairman Meyer so ruled.

"Anything he asks," called Mr. O'Malley to Chairman Meyer, "give him—I waived immunity."

"If this is to be a beer garden," said Mr. Wallstein, "we ought to know it. If this witness cannot be decorous the privilege of the witness stand should be denied to him."

"I don't care," shouted Mr. O'Malley, "whether it is or not."

"Get off the stand, O'Malley," came a sharp order from the right aisle crowd.

J. J. Halpin of No. 46 Cedar Street, a fair-haired, youthful looking lawyer, pushed to the front, waving Mr. O'Malley aside like a baseball umpire.

"Throw him out," shouted somebody in the committee.

"I appear as his counsel," declared Mr. Halpin. "I advise him to leave the stand."

Mr. O'Malley stepped down. The audience started cheering and hissing. The committee adjourned for lunch in considerable confusion.

Former Senator Brown said after recess that no immediate drastic action would be taken against Mr. O'Malley for deserting the stand.

At the opening of the hearing Mr. O'Malley made several speeches. He said the committee was trying to break both his legs at the behest of Gov. Miller and the Beef Trust.

"The committee has got orders to get me by hook or crook, and it certainly has the crook."

Under examination by former Senator Brown as to the statement that Gov. Miller had offered to muzzle the Meyer Committee, Mr. O'Malley said:

"Smith's statement that an effort was made to get me to vote for Hogue is true."

"Who said that if you voted for Gov. Miller's candidate for head of the Council of Farms and Markets you would be given immunity here?" pursued Mr. Brown.

"John P. Sinnott, secretary to Mayor Hylan, said a message to that effect had been received," replied O'Malley.

"Did you talk with any one else about it?" asked Mr. Brown. "Yes, Grover A. Whalen," said Mr. O'Malley.

Q. Did you talk with any one else? A. Yes; a newspaper man, a political writer on the Morning Telegraph, Ed Luther. I talked with him at the City Hall reporters' outing the last of July.

Q. What did he tell you? A. He said he was the one who had taken up the matter with Whalen and that he was doing it because the Big Chief wanted it.

Q. Who is the Big Chief? A. You can guess.

Q. What did he say, the Big Chief said? A. He said there would be no investigation down here if I agreed

to put Hogue over. He added that I was the deadlock man in the voting, and he added that if he had known me as well as he did before the City Hall reporters' outing he would have come directly to me. He said he thought Grover Whalen had bungled the whole thing, and that he had received a telephone message from Whalen to the effect that the whole thing was O. K. so far as my voting for Hogue was concerned.

"I met the Mayor later and told him I supposed the Rockefeller of Brooklyn was interested in putting Hogue over. I told the Mayor that he would recall that when A. E. Smith was Governor he had recommended Hogue's removal. The Governor said to me while I was in Albany."

"Are you electrically wound up?" interrupted Mr. Brown. "You are I'd like to participate in this examination."

**SAYS Hylan TOLD HIM TO FOLLOW HIS OWN CONSCIENCE.**

Mr. Brown said the vote for the Chairmanship of the Council of Farms and Markets had been taken several months before the City Hall reporters' outing at Bayview. Mr. O'Malley explained that until then he didn't understand the source of the information he had from Secretary Linnott and Commissioner Whalen.

"They had told me," said Mr. O'Malley. "The Mayor wanted me to vote for Hogue if it was otherwise all right. I went to the Mayor and explained why I was opposed to Hogue and he told me to follow my conscience and do what was right."

Before the session began Mr. O'Malley issued a statement from his office in which he declared the charge were the result of a frame-up, engineered by the Food Trust.

"I met John H. Hubbard twice and on each occasion there was a third party present," he declared. "This is an attempt of the Governor to break the legs from under me. I am fully confident of the outcome of the charges against me. They are baseless and without foundation. The public will soon learn the truth and the motives behind these charges."

"Mr. Chairman," said Mr. Brown at the start of the session, "yesterday public notice was given that if Mr. O'Malley desired to appear as a witness he could do so on waiving immunity. That opportunity is now open to him."

Commissioner O'Malley walked down the side aisle with his shoulders squared and swinging aggressively stood in front of the witness chair.

"Do you wish to be sworn?" asked Mr. Brown.

**WANTS TO TESTIFY UNDER OATH ALREADY GIVEN.**

"I am already a witness," Mr. O'Malley said, "as I understand it. I was excused as a sworn witness with your promise that I might return later and continue. I desire to continue my testimony under the oath already administered. I wanted to go on before, but you deferred it."

"Be seated a moment," said Mr. Brown.

"Yes, sir," said Commissioner O'Malley, and thrusting an unlighted cigar in his mouth, sat down and leaned forward.

"Mr. Chairman," said Mr. Brown, "I desire to advise the Commissioner that an opportunity to the Commissioner to explain or to elucidate any of the matters as to which the committee has inquired in relation to his department is now open to him. But, I must add, before such evidence is given is of such a nature as to incriminate or tend to incriminate the Commissioner, and the committee is unwilling to continue his evidence as to such matters as to tend to incriminate him unless he signs a waiver of immunity."

Commissioner O'Malley—Is that the last instruction from the Governor, Mr. Counsel, to get me by hook or crook, or break both my legs because I have been fighting the food interests?

Mr. Brown—I have made the announcement and I do not desire to engage in any debate. I do not, however, object to your making a statement.

Commissioner O'Malley—Well, you asked me a question. Let me explain myself. I am at the disadvantage at the present time of having had my office subpoenaed. You have them. You have all that advantage. You have had the advantage of granting immunity to witnesses to swear to anything to make a case out of what you want. You have subpoenaed my bank accounts and my wife's bank accounts, and I was asked by the banks at the time I had any objection. I said: "Give them everything they want." When you wanted the records of my office and every detail I gave you all of that. The Municipal Grand Jury prior to that had taken everything that you had not taken. So my office is today left depleted of any records whatsoever which I can refresh my mind or go over matter.

I will only be able in testifying here to give you information as to the best that my memory will sustain me. I could not remember dates or details. I do not believe, exactly, I will do the best I can.

Mr. O'Malley violently attacked the committee and its witnesses. He said he threw Barnett Cohen out of his office and that he was told by Cyrus C. Miller, assistant counsel to the committee, that Cohen also was thrown out of Mr. Miller's office. Cohen had testified that Mr. O'Malley had hinted to him of payment for a public market stand.

After considerable argument on the subject of immunity Mr. O'Malley said: "When I waive immunity it will limit me to a very narrow path, and in the absence of any legal knowledge whatsoever, I don't know what trickery you may pull on me. I don't trust this committee."

Mr. O'Malley—Well, if it will please the Governor and the Food Trust and all the interests that are trying to break my legs, rather than to give

you people a chance to keep me from testifying here I will sign the waiver of immunity.

Mr. Brown—Give him a pen. Mr. O'Malley requested that Mr. Brown do the questioning to the exclusion of Mr. Wallstein. The request was abruptly refused.

"Do you desire to make any statement as to anything, Mr. O'Malley?" And would you prefer to make a statement before or after you are questioned?" asked Mr. Brown.

"If I may I would like to make a statement now," said the Commissioner.

Mr. O'Malley began by reviewing the circumstances of his entrance to his official duties. He said that the office was in confusion, due to the United States Army surplus food sales and the controversy between himself and former Commissioner Day.

Mr. Day, he said, in spite of Mr. O'Malley's request to the Mayor have Commissioner Hirschfeld, the papers, said a lot of records, mainly army food records, had been lost.

After elaborating on his unfamiliarity with his duties and his own confusion due to the resignation and removal of other officials, interruptions by newspaper reporters and army officers and general bad arrangement of the offices, Mr. O'Malley said that Stephen Woolsey, one of his clerks and cheese wholesaler and retail merchant, came to him regarding the transfer of his retail stand to a Mr. Yonker.

Mr. O'Malley said he refused to authorize the transfer at first, because he thought stand owners forfeited their fixtures when they moved out. Pending more certain information, he said he put Mr. Woolsey off. Then he said, Mrs. Woolsey came to him and said her husband's business situation was ruining his home life. Mr. O'Malley said he went to the market and consulted President William Minder of the Washington Market Association.

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## LANDS IN AMERICA SO DRY HE RACES OFF FOR BERMDA

**Customs Agents Give English Colonel a Lift, Putting Luggage in Taxi.**

The Olympic, with £773,000 sterling of gold bars and coins, reached her dock just before noon today, and the first man off was a monied Englishman who was not thirsty but feared he might be. He was Lieut. Col. Arthur J. Stephen, late of the British Army, and he said it was utterly necessary for him to catch the boat for Bermuda at once.

"The horrible alternative being several days in drinkless New York," Col. Stephen had eight big bags and two lively Irish terriers to transport, and every time the dogs demanded attention his monied doppelgänger with him. They piled all his stuff in a taxi without examining it, then assigned an inspector to get in with him and ride to the pier from which the Fort Hamilton was about to sail for Bermuda. The idea was to examine the baggage while the man was in flight.

But it was a vain race. By the time the taxi reached the Battery the Fort Hamilton had passed the Statue of Liberty, and Col. Stephen was stranded in the land of the dry. It is rumored, however, that somebody plied him and gave him a tip.

Elsie Janis, as soon as she saw from the deck the buildings along Broadway, thought of "her gang."

She said she wanted to get the old doughboys together if possible and put on another revue this year. For several months she starred in a revue in France, singing, speaking and dancing in the French language. The last few months she has been living in a houseboat on the Thames, England.

"It's so dry there the rivers are drying up," Miss Janis said. "You may not believe me, but the fish come to the surface and beg for water to drink. I have affidavits to prove several hundred of them used to eat and drink out of my hand."

Isaac Marcosson, in the light of new conditions he has found in Europe, has completely changed his opinion and now believes the United States should cancel the Allied debt in the interest of international stability.

Ernie Rice, lightweight champion of Europe, who also arrived aboard the Olympic, to challenge Benny Leonard for the world's championship.

Martin W. Littleton, who has been abroad for six weeks, refused to discuss the general European situation, saying "a lot of people who spend a week or two in Paris or London, come home and tell all about the continent and its diplomatic situation. That stuff is false opinion and nothing more."

Other passengers were Otto Kahn, the Right Hon. Fred Guest, who has diplomatic papers for the State Department, Gov. Beecroft of Rhode Island, Ivy Ledbetter Lee and Mrs. Bradley Martin.

**MISSING FROM SHIP AFTER TALK TO GIRL**

Government and city officials are trying to discover to-day what became of Thomas Brassington, a second cabin passenger on the Olympic, who disappeared while the ship was off Quarantine last night.

The last seen of Brassington was at 7:30 last night when Anna Louise Thompson, twenty years old, of Alameda, Cal., another passenger, faintly talking to him in the social hall of the ship. The girl has been hysterical ever since and is still under the care of the ship's surgeons.

Stewards saw Miss Thompson fall to the floor of the hall and Brassington turn and walk away. A few minutes later they followed the man to his cabin. On the berth they found a hastily written note addressed to Miss Thompson. The porthole was open and the man gone. The note read:

"Trouble at home and fear of being detained at Ellis Island are more than I can bear."

It is not known whether Brassington dropped or swam ashore. On the ship's manifest he is listed as a baker, thirty-nine years old, of New Castle, Under-Lyme. He was on his way to a job at Vancouver Island, Canada. Miss Thompson went to Europe on the Adriatic some weeks ago and met Brassington in England.

**FIGHTING IS RESUMED BY INDIAN FACTIONS.**

British troops, ambushed by Mohandas, in four-hour battle.

MADRAS, Aug. 31 (Associated Press).—Fighting between half-caste Hindus and Mohammedans on one side and Dravidians, or Indian aborigines on the other was resumed here yesterday morning after having been quiet for several days.

The trouble was caused by a crowd attempting to prevent the Dravidians going to work. The police intervened and, being aided by the mob, fired upon it.

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## Elsie Janis and Her Mother Who Arrived on the Olympic



## DOZEN FIRES SET BY BELFAST RIOTERS MENACE ULSTER CITY

(Continued from First Page.)

city to-night would not be endured by the American Government and the trouble would be ended forthwith," said the Rev. John Pollock at a meeting here last night. He has just returned from the World's Christian Endeavor Convention in New York.

It was reported that a dozen fires were burning in the Catholic section of the city to-day. More troops were pouring into the districts where sporadic fighting, with sniping from the housetops and occasional grenade explosions, continued throughout the night.

The death roll from the riots has mounted to eight, with fifty-four wounded.

Bitter fighting between Catholic and loyalist mobs, with police and troops trying to quell the rioting, lasted up until the curfew hour last night. Then habit, more than the Crown forces, who already had their hands full, sent many of the rioters to their homes. Sporadic fighting continued, however, with attacks upon Catholics in Unionist quarters and reprisals against loyalists living in Sinn Féin sections of Belfast.

Several fire departments were kept busy to-day battling against one conflagration after another. A windstorm made the fires especially dangerous in the congested districts.

Up until daybreak snipers, concealed on housetops, kept up intermittent fire along the street that leads from the centre of Belfast to the Sinn Féin section on the hill. Bullets spat through the darkness across the deadline marked out half way up the hill, and detachments of police were kept busy throughout the night running down the snipers, guided only by the flashes of fire.

Three more men were reported as having been killed, while the number of wounded lying in the hospitals was greatly increased.

The authorities conceal the politics and religion of the victims in order that the rest of Ulster and the South may not become inflamed and break out in reprisals. Many on both sides, and a number of the military are known to have fallen, however.

U.S. Aug. 31.—The Sinn Féin is now ready to accept a special treatment for Northern Ireland but will not acknowledge the rights of the Belfast Parliament to rule over the counties of Tyrone and Fermanagh at present within the jurisdiction of that Parliament. It is proposed that the Northern Parliamentary area should cover only the four counties which Unionist majorities are established.

The opinion held here is that the disorders in Belfast are organized by those extremists who are aware of the efforts now progressing to induce Ulster to make concessions in the interest of peace.

**END OF TRUCE IN SIGHT, IRISH ARMY IS WARNED**

Officers and Men Ordered to Hold Themselves in Readiness for Fighting.

DUBLIN, Aug. 31 (United Press).—Officers and men of the Irish Republican Army have been ordered to hold themselves in readiness for instant mobilization.

"The termination of the truce is threatened," the Irish Bulletin, Sinn Féin's official organ, declares to-day.

Preparations for a resumption of hostilities were being made throughout the country.

Meanwhile, President De Valera and his colleagues, still struggling with the difficulties of reaching a common ground with Lloyd George, were making efforts to see that nothing should be done in the South of Ireland that would break the truce or lead to an outbreak of reprisals against the loyalists of the South for the Belfast killings.